

To: AHG Licensing, Inc. (trademarks@troutmansanders.com)
Subject: TRADEMARK APPLICATION NO. 76586409 - CUPID'S CUP - N/A
Sent: 10/1/2005 3:14:49 PM
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Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/586409

APPLICANT: AHG Licensing, Inc.

CORRESPONDENT ADDRESS:

Karl M. Zielaznicki
Troutman Sanders LLP
Suite 5200
c/o: Docketing Department 600 Peachtree
Atlanta GA 30308-2216

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

If no fees are enclosed, the address should
include the words "Box Responses - No Fee."

MARK: CUPID'S CUP

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

trademarks@troutmansanders.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 76/586409

Applicant is requesting reconsideration of a final refusal dated March 16, 2005.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

The examining attorney acknowledges and has entered into the record applicant's amended identification of goods. Applicant has amended its identification of goods to delete any items that may be identical to the registrant's goods. The clothing items do not have to be identical for there to be a likelihood of confusion. The decisions in the clothing field have held many different types of apparel to be related under Section 2(d). *Cambridge Rubber Co. v. Cluett, Peabody & Co., Inc.*, 286 F.2d 623, 128 USPQ 549 (C.C.P.A. 1961) ("WINTER CARNIVAL" for women's boots v. men's and boys' underwear); *Jockey Int'l, Inc. v. Mallory & Church Corp.*, 25 USPQ2d 1233 (TTAB 1992) ("ELANCE" for underwear v. "ELAAN" for neckties); *In re Melville Corp.* 18 USPQ2d 1386 (TTAB 1991) ("ESSENTIALS" for women's pants, blouses, shorts and jackets v. women's shoes); *In re Pix of America, Inc.*, 225 USPQ 691 (TTAB 1985) ("NEWPORTS" for women's shoes v. "NEWPORT" for outer shirts); *In re Mercedes Slacks, Ltd.*, 213 USPQ 397 (TTAB 1982) ("OMEGA" for hosiery v. trousers); *In re Cook United, Inc.*, 185 USPQ 444 (TTAB 1975) ("GRANADA" for men's suits, coats, and trousers v. ladies' pantyhose and hosiery); *Esquire Sportswear Mfg. Co. v. Genesco Inc.*, 141 USPQ 400 (TTAB

1964) ("SLEEX" for brassieres and girdles v. slacks for men and young men). The applicant's arguments regarding the commercial impression of the respective marks are not persuasive. Applicant's mark conjures images of the character Cupid with his cup whereas the registered mark merely creates an image of the character Cupid.

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c).

/Won T. Oh/
Law Office 114
email: won.oh@uspto.gov
(571) 272-9204
Fax: (571) 273-9114